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Opinion

June 26, 1958

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CONCORD, N.H.

James J. Barry, Commissioner
Public Welfare Department
State House Annex
Concord, New Hampshire

Subj: Mildred Ulmer, CAA Deceased

Dear Mr. Barry:

This will acknowledge your letter of June 18, 1958 in which you request advice as to whether you can properly endorse a bond required by the United Benefit Life Insurance Company in order to receive from that company the proceeds of a life insurance policy under which the above-named Mildred Ulmer was insured. You advise that Mrs. Ulmer has received old age assistance from your Department and that she left no estate other than that which is payable under the terms of the policy. The Company is not willing to pay over this sum to you without administration unless you sign the bond in question which provides for the payment of a penalty equivalent to twice the amount due under the policy in the event that unknown heirs sue the Company for payment.

In our opinion you have no authority to endorse this bond and the only procedure which may be followed in this case is for you to take out administration on the estate of the deceased.

Very truly yours,

George T. Ray, Jr.
Assistant Attorney General

GTR,Jr/m